



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

#### CHAPTER 1

#### TAXIS, ETC.

#### **165 [F<sup>1</sup>Disabled passengers in wheelchairs: duties of drivers of designated vehicles]**

- (1) This section imposes duties on the driver of a designated taxi [F<sup>2</sup>or designated private hire vehicle] which has been hired—
- (a) by or for a disabled person who is in a wheelchair, or
  - (b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

F<sup>3</sup>(2) .....

[F<sup>4</sup>(2A) This section also imposes duties on the driver of a designated taxi or designated private hire vehicle if—

- (a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
  - (b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service.]
- (3) For the purposes of this section—
- (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
  - (b) “the passenger” means the disabled person concerned.
- (4) The duties are—
- (a) to carry the passenger while in the wheelchair;

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: Equality Act 2010, Section 165 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- <sup>F5</sup>(b) .....
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- <sup>F6</sup>(ca) if the passenger has with them any mobility aids, to carry the mobility aids;]
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.
- <sup>F7</sup>(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).]
- <sup>F8</sup>(4A) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—
- (a) a wheelchair, or
- (b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).]
- (5) <sup>F9</sup>For the purposes of this section “mobility assistance” means] assistance—
- (a) to enable the passenger to get into or out of the vehicle;
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- (c) to load the passenger's luggage <sup>F10</sup>or mobility aids] into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- (6) This section does not require the driver—
- (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
- (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) It is a defence for a person charged with <sup>F11</sup>an offence under subsection (7) in relation to the duty mentioned in subsection (4)(a) or (c)] to show that at the time of the alleged offence—
- (a) the vehicle conformed to the accessibility requirements which applied to it, but
- (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.
- <sup>F12</sup>(9A) It is a defence for a person charged with an offence under subsection (7) in relation to the duty mentioned in subsection (4)(ca) to show that at the time of the alleged offence—
- (a) it would not have been possible for the mobility aids to be carried safely in the vehicle, or
- (b) it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.]

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F13(10) .....

#### Textual Amendments

- F1 S. 165 heading substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(a\)](#), 6(2)
- F2 Words in s. 165(1) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(b\)](#), 6(2)
- F3 S. 165(2) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(c\)](#), 6(2)
- F4 S. 165(2A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(d\)](#), 6(2)
- F5 S. 165(4)(b) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(e\)\(i\)](#), 6(2)
- F6 S. 165(4)(ca) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(e\)\(ii\)](#), 6(2)
- F7 S. 165(4)(f) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(e\)\(iii\)](#), 6(2)
- F8 S. 165(4A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(f\)](#), 6(2)
- F9 Words in s. 165(5) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(g\)\(i\)](#), 6(2)
- F10 Words in s. 165(5)(c) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(g\)\(ii\)](#), 6(2)
- F11 Words in s. 165(9) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(h\)](#), 6(2)
- F12 S. 165(9A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(i\)](#), 6(2)
- F13 S. 165(10) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(3\)\(j\)](#), 6(2)

#### Commencement Information

- I1 S. 165 partly in force; s. 165 not in force at Royal Assent see s. 216; s. 165 in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(12\)\(b\)](#) (with [art. 15](#))
- I2 S. 165 in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107](#), [art. 2\(a\)](#)

**Status:**

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**Changes to legislation:**

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